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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 05-00261 HG
)
Plaintiff,) MOTION TO WITHDRAW AS
) COUNSEL; DECLARATION OF
vs.) COUNSEL; and CERTIFICATE
) OF SERVICE
JAMES TROIANO, (01))
)
Defendant.) DATE:
) TIME:
)
) Judge: HELEN GILLMOR
)
)

MOTION TO WITHDRAW AS COUNSEL

Defendant JAMES TROIANO (Troiano) by and through his counsel, Todd Eddins, hereby requests that this Honorable Court permit him to withdraw as counsel for Troiano because the attorney-client relationship between Troiano and counsel is irretrievably and irreparably fractured due to Troiano's insistence and demand that numerous courses of action with

respect to pretrial matters and trial oriented matters be undertaken which in counsel's professional view are unreasonable, unwarranted, and vexatious. Consequently, the attorney-client relationship is irreparably damaged and Troiano has expressed a desire to proceed pro se or with replacement counsel.

The motion is based on FRCP Rules 44 and 47, the body of documents filed in the case, the declaration of counsel, and any other evidence and argument proffered at the hearing on the motion.

DATED: Honolulu, Hawaii March 26, 2006

/s/ Todd Eddins

TODD EDDINS

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 05-00261 HG
)
Plaintiff,) DECLARATION OF COUSNEL
)
vs.)
)
JAMES TROIANO, (01))
)
Defendant.)
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)
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)

DECLARATION OF COUNSEL

1. I, Todd Eddins, make the following assertions.
2. On or about October 14, 2005, I was appointed to represent James Troiano following the withdraw of his previous counsel, Harlan Kimura.
3. Trial is scheduled for April 4, 2006.
4. From the onset of my representation of Mr. Troiano, he has been quite forceful and often combative with respect to requesting various courses of actions with respect to his case.

5. I have patiently listened to Mr. Troiano's numerous demands, proposals, and suggestions. I have explained the legal analysis surrounding his many ideas and have provided my opinion as to the propriety and ultimate legal outcome of his suggestions. Mr. Troiano is more of a talker than a listener. On most occasions, Mr. Troiano has been unwilling to listen to my advice and unable to accept my professional opinions.

6. At Mr. Troiano's insistence, I have filed several motions that while not frivolous, involved matters I would typically decline to pursue. I have also rejected Mr. Troiano's demands to file numerous other motions which unequivocally had no rational legal basis. This has caused a splintering of our attorney-client relationship.

7. This weekend I again rejected Mr. Troiano's request (though it was more like a command) to engage in certain other actions with respect to his case. In my professional judgment these actions have no legal foundation. Additionally, I have declined to undertake certain trial strategies proposed by Mr. Troiano, and thus a rift has further developed between us.

8. Mr. Troiano has requested that I file the instant motion. It is not the first time he has requested me to do so. It is his desire to proceed pro se or with replacement counsel. Mr. Troiano has spent countless hours in

contemplation of his case and has consulted at great length with jailhouse lawyers. As at the motion to withdraw hearing with his prior counsel, Mr. Troiano has expressed a desire to represent himself.

9. It is my considered view that the attorney-client relationship between Mr. Troiano and myself is irretrievably and irreparably fractured due to his demands that numerous courses of action in his case be undertaken. In my professional view his commands are unreasonable, unwarranted, and vexatious. The attorney-client relationship is irreparably compromised. Mr. Troiano has expressed an unwillingness to proceed to trial with me as counsel. The feeling is mutual.

10. For the foregoing reasons, I respectfully request that this Court permit me to withdraw from the case.

11. I declare that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii March 26, 2006

/s/ Todd Eddins

TODD EDDINS